

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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HAIN CAPITAL HOLDINGS, LTD.,

Plaintiff,

-against-

FIBERLIGHT, LLC, and KEVIN B. COYNE,

Defendants.  
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Case No. 08 CV 3156 (BSJ)(AJP)

Civil Action

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Steven L. Klepper, dated July 14, 2008, and Memorandum of Law, Defendants, through their undersigned counsel, will move this Court at the United States Courthouse at 500 Pearl Street, New York, New York, on a date and time to be set by this Court, for an Order, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, for partial judgment on the pleadings against plaintiff Hain Capital Holdings, Ltd. ("Plaintiff") and in favor of defendants FiberLight, LLC, and Kevin B. Coyne, as to Plaintiff's damage claim asserted in paragraphs 25 and 26 of its Second Amended Complaint, and as to Counts Two and Three of its Second Amended Complaint.

DATED: New York, New York  
July 14, 2008

Respectfully submitted,

COLE, SCHOTZ, MEISEL,  
FORMAN & LEONARD, P.A.  
A Professional Corporation  
Attorneys for Defendants, FiberLight, LLC,  
and Kevin B. Coyne

By: s/ Steven L. Klepper  
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